

Notice of Allowability

Application No.

09/940,081

Examiner

Matthew O Savage

Applicant(s)

IANNIZZOTTO ET AL.

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 12-04-03.
2. ☒ The allowed claim(s) is/are 4 and 5 renumbered 1 and 2, respectively.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Matthew O Savage
Primary Examiner
Art Unit: 1723

Art Unit: 1723

The substitute specification filed on 12-4-03 has not been entered.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Paul Iannizzotto on 5-11-04.

The specification filed on 2-20-03 has been re-written as follows:

-- **SPECIFICATIONS**

RE: NONSKID STRAINER

~~This unique product will allow the consumer to use both hands while straining their food. It attaches directly to the sink on the center partition with a locking mechanism that holds it securely in place. The strainer will be made of a lightweight plastic and the product will be dishwasher safe.~~

Title of the Invention: Non-Skid Strainer.

Cross Reference to Related Applications: None.

Statement Regarding Federally Sponsored Research or Development: None.

Reference to a Sequence Listing, Table, or Computer Program Listing submitted on a Compact Disk: None.

Background of the Invention: None.

Brief Summary of the Invention:

This invention relates to strainers for straining food.

Brief Description of the Drawings:

Figure 1 shows a front view of the strainer;

Figure 2 shows a top view of the strainer;

Figure 3 shows a back view of the strainer;

Figure 4 shows a side view of the strainer;

Figure 5 shows a side perspective view of the strainer; and

Figure 6 shows the strainer mounted to the center partition of a sink.

Detailed description of the Invention:

As best shown in FIGS. 1-4, the strainer 100 includes a circular rim 2 having an upper side 4 and surrounding a central vertical axis 6. A bowl shaped strainer portion 8 having an upper peripheral edge 10 is connected to a lower side 12 of the circular rim 2 and a plurality of perforations 13 extend through the strainer portion 8. A first handle 14

Art Unit: 1723

is connected to an outer side portion 16 of the circular rim 8. The strainer includes first and second legs 18, wherein the first and second legs 18 are attached to an outer side portion 20 of the rim and an outer side surface 22 of said strainer portion 8. The first and second legs 18 each having a bottom surface 24 positioned below the strainer portion 8 and aligned parallel to the upper side 4 of the circular rim 2 and a vertical side surface 26 that is perpendicular to the bottom surface 24 and that faces in a direction away from the strainer portion 8. First and second horizontal threaded bores 28 extend into an upper portion of the first and second legs 18, respectively. The first and second legs 18 extend from the outer side portion 19 of the rim 2 that is opposite the outer side portion 16 of the rim to the which the first handle 14 is connected. As shown in FIG. 1, the legs 18 are laterally offset from the central vertical axis 6 of the circular rim 8. The strainer includes second handle 30. First and second clamping parts 32 are attached to and extend downwardly from opposite sides of the second handle 30. The first and second clamping parts 32 each include a vertical side surface 34 that extends parallel to and faces toward the respective vertical side surface 26 of the first and second legs 18, and first and second horizontal bores 36 formed in an upper portion of each of the first and second clamping parts 32, respectively. As shown in FIG. 2, the horizontal bores 36 in the first and second clamping parts 32 are axially aligned with the respective horizontal threaded bores 28 in the first and second legs 18. First and second threaded fasteners 38 are received in the horizontal bores 36 of the first and second clamping parts 32 and in the horizontal threaded bores 28 of said first and second legs 18. The first and second fasteners 38 are adapted to bias the vertical side surfaces 34 of the first and

Art Unit: 1723

second clamping parts 32 towards the vertical side surfaces 26 of the first and second legs 18. The rim 2, strainer portion 8, first handle 14, first and second legs 18, second handle 30, first and second clamping parts 32, and first and second threaded fasteners 38 are all formed of light-weight plastic that can be washed in a dishwasher. As shown in FIG. 6, the opposed vertical side surfaces 40 of the center partition 42 are clamped between vertical side surfaces 26 of the legs 18 and the vertical side surfaces 34 of the clamping parts 32 upon tightening of the first and second threaded fasteners 38 to clamp the strainer 100 to the center partition 42 of the sink 200. --.

The abstract filed on 8-28-01 has been amended as follows:

~~-- This product will be made of polyurethane. The purpose of this product is to minimize accidental burns and spill overs. With it's unique clamp down feature, this product will do just that. Made dishwasher safe it allows a steril cleaning. This product also allows a person to use both hands, control tipovers and attaches safely to the sink.~~
A strainer for straining food is disclosed wherein. The strainer includes a clamping device for clamping the strainer to a center partition of a sink. --.

Claim 1 filed on 7-31-02, claim 2 filed on 10-7-02, and claim 3 filed on 12-4-03 have been canceled in favor of new claims 4-5 as follows:

4. (new) A strainer adapted to be mounted to a center partition of a kitchen sink comprising:

Art Unit: 1723

a circular rim having an upper side and surrounding a central vertical axis;

a bowl shaped strainer portion having an upper peripheral edge connected to a lower side of said circular rim and a plurality of perforations extending through said strainer portion;

a first handle connected an outer side portion of said circular rim;

a first leg and a second leg, wherein said first and second legs are attached to an outer side portion of said rim and an outer side surface of said strainer portion, said first and second legs each having a bottom surface positioned below the strainer portion and aligned parallel to the upper side of said circular rim and a vertical side surface that is perpendicular to said bottom surface and that faces in a direction away from said strainer portion, and first and second horizontal threaded bores extending into an upper portion of said first and second legs, respectively, wherein said first and second legs extend from an outer side portion of said rim that is opposite the outer side portion of rim from the which said first handle is connected, wherein said legs are laterally offset from the central vertical axis of said circular rim;

a second handle;

first and second clamping parts attached to and extending downwardly from opposite sides of said second handle; wherein said first and second clamping parts each include a vertical side surface that extends parallel to and faces toward the respective vertical side surface of said first and second legs, and first and second horizontal bores formed in an upper portion of each of said first and second clamping parts, respectively, said horizontal bores in said first and second clamping parts being

Art Unit: 1723

axially aligned with the respective horizontal threaded bores in the first and second legs;
and

first and second threaded fasteners received in the horizontal bores of said first and second clamping parts and in the horizontal threaded bores of said first and second legs, wherein said first and second fasteners are adapted to bias the vertical side surfaces of said first and second clamping parts towards the vertical side surfaces of said first and second legs;

whereby opposed vertical side surfaces of the center partition are clamped between vertical side surfaces of said legs and the vertical side surfaces of said clamping parts upon tightening of said first and second threaded fasteners to clamp said strainer to said center partition.

5. (new) The strainer according to claim 4, wherein said rim, said strainer portion, said first handle, said first and second legs, said second handle, said first and second clamping parts, and said first and second threaded fasteners are all formed of lightweight plastic that can be washed in a dishwasher.

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: All of the drawing Figures filed in this application have been canceled in favor of sheets 1-2 attached hereto of which had been filed on 8-28-01 and of which have been amended to include labels, lead lines, and reference numerals. In

Art Unit: 1723

order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

The following is an examiner's statement of reasons for allowance: Van Dieren is considered the closest prior art, however, Van Dieren fails to teach or suggest the instantly claimed relation of first and second legs attached to an outer side portion of the rim and an outer side surface of the strainer portion, the first and second legs each having a bottom surface positioned below the strainer portion and aligned parallel to the upper side of the circular rim and a vertical side surface that is perpendicular to said bottom surface and that faces in a direction away from the strainer portion, and first and second horizontal threaded bores extending into an upper portion of the first and second legs, respectively, wherein the first and second legs extend from an outer side portion of said rim that is opposite the outer side portion of rim from the which the first handle is connected, wherein the legs are laterally offset from the central vertical axis of the circular rim, a second handle, first and second clamping parts attached to and extending downwardly from opposite sides of the second handle, the first and second clamping parts each include a vertical side surface that extends parallel to and faces toward the respective vertical side surface of the first and second legs, and first and second horizontal bores formed in an upper portion of each of the first and second clamping parts, respectively, the horizontal bores in the first and second clamping parts being axially aligned with the respective horizontal threaded bores in the first and second legs, and first and second threaded fasteners received in the horizontal bores of

Art Unit: 1723

the first and second clamping parts and in the horizontal threaded bores of the first and second legs, wherein the first and second fasteners are adapted to bias the vertical side surfaces of the first and second clamping parts towards the vertical side surfaces of the first and second legs as recited in instant claim 4.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew O. Savage
Matthew O Savage
Primary Examiner
Art Unit 1723

mos
May 11, 2004